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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,967	02/07/2001	Francine J. Prokoski	MIKOS-101	1836
30743	7590	01/27/2006	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			NALVEN, ANDREW L	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/778,967	<b>Applicant(s)</b> PROKOSKI, FRANCINE J.	
	<b>Examiner</b> Andrew L. Nalven	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-9, 10-11, 12-14, 15-17, 18-20, 21-34 is/are rejected.
- 7) ☒ Claim(s) 2-9, 12-14 and 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

1. Claims 1-34 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to the comparing step have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's remaining arguments have been fully considered but they are not persuasive.

4. Applicant has argued on page 12 that the Steinberg reference fails to teach "different successive composite images, each being created by the addition of authentication information, could be subject of a further authentication step by recursive repetition of the steps of the invention." Examiner notes that claim 3 only provides limitations requiring the repetition of encryption step g and decryption step i. Steinberg teaches the repetition of encryption and decryption by teaching the steps performed twice (Steinberg, column 5 lines 5-20), thus Steinberg meets all of the limitations of claim 3.

5. Applicant has argued on page 12 that Murphy fails to teach the "operation of the image acquisition device is trigger by the change of status of another device." Applicant has suggested that the intended meaning the claim is that the entire system process,

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beginning with image capture, is initiated in response to a trigger. However, given its broadest reasonable interpretation, the claim can be interpreted to not include the entire system process. The claim as presented does not specifically state that the entire system beginning with image acquisition is initiated through an external trigger. Thus, Murphy's trigger of a hardware key that initiates processing within the system for image download meets the claim limitation. With regards to claim 15, Examiner has relied upon Murphy to teach the triggering system and only relied upon Goldberg to teach the recognition systems.

6. Applicant further argues that the Goldberg fails to teach facial recognition.

Examiner respectfully disagrees. Goldberg teaches facial recognition (Goldberg, column 23 lines 39-62) by teaching feature recognition programs.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Amended claims 1, 21, and 28 further limit the comparison step by adding that the comparison occurs "without extracting or otherwise

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decoding information in said Encoded Data Array." Examiner has been unable to ascertain where in the specification support for this negative limitation may be found. Instead, Examiner has found portions of the specification that teach the comparison step extracting information (Specification, column 8 lines 15-23).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 4-5/1, 8-9/1, 12-14/1, 18-20/1, 22-24, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al US Patent No. 5,799,082 in view of Barton US Patent No. 5,646,977, in view of Safai US Patent No. 6,642,956, and in further view of Gage US Patent No. 5,349,550.

9. With regards to claims 1, 4, 20/1, and 21-24, Murphy teaches an image acquisition device for producing an original array of two-dimensional digital information (Murphy, column 14 lines 14-27), means for obtaining current date and time information from satellite or radio broadcasts (Murphy, column 10 lines 1-9), means for obtaining current location information from satellite or radio broadcasts (Murphy, column 10 lines 1-9), an encoder for converting date/time, location, into a two-dimensional format called

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the encoded data array (Murphy, column 13 lines 30-37, position information), an embedder for combining the Encoded Data Array and the Original Array into a new Composite Array (Murphy, column 11 lines 36-39, embedding position information into image), a transmission process to transfer the Encrypted Composite Array to the intended recipient (Murphy, column 15 lines 19-30), means for comparing said transferred Composite Array to said Encoded Data Array, said comparing means thereby being able to determine whether said Encoded Data Array is embedded in said Composite Array (Murphy, column 15 lines 31-47), and an encoding extractor for removing the encoded data array from the composite array (Murphy, column 15 lines 31-47, determining the pattern P of pixels). Murphy fails to teach the identifying of a sensor ID, restoring the original array, comparing without extracting or decoding information in the encoded data array, and determining changes between the restored array and original array. Safai teaches means for identifying a Sensor ID for the image acquisition device (Safai, column 15 lines 36-50, camera serial number). Barton teaches means for restoring the Original Array at pixel locations used for the encoding (Barton, column 8 lines 1-7, "returns data block to original form"), and means for determining changes between the restored array and the original array (Barton, column 8 lines 8-9, "Error Correction Code"). Gage teaches comparing without extracting or otherwise decoding information in said encoded data array (Gage, column 1 lines 12-33). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Safai's sensor ID method, Barton's methods of using a Sensor ID and restoring and determining changes, and Gage's comparison method with

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Murphy's system for secure authentication of images because they offer the advantage of allowing an image to be verified and uniquely ascribed to a particular camera (Safai, column 15 lines 36-50), ensuring that a creator or source of an object is known and verifiable (Barton, column 1 lines 56-60) and allowing the establishment of a similarity between data to determine the degree to which they match (Gage, column 1 lines 12-33).

10. With regards to claim 5/1, Murphy as modified teaches the use of the GPS system (Murphy, column 10 lines 1-5).

11. With regards to claim 8/1, Murphy as modified teaches the Sensor ID including the serial number and odometer setting of the image acquisition device (Barton, column 6 lines 51-60, "creator of block" and "block sequence number").

12. With regards to claim 9/1, Murphy as modified teaches the change detector evaluating subsections of the restored original array and the original array to localize areas of difference (Barton, column 8 lines 8-9).

13. With regards to claims 12/1 and 28-31, Murphy as modified teaches everything described above and further teaches the date/time/location, and source being annotated onto the Encrypted Composite Array (Barton, column 7 lines 51-60, Murphy, column 13 lines 30-37, column 11 lines 36-39).

14. With regards to claim 13/1, Murphy as modified teaches the encoded data providing the key to encryption and decryption algorithms (Murphy, column 13 lines 38-42, Barton, column 7 lines 21-24).

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15. With regards to claim 14/1, Murphy as modified teaches the operation of the EIS being triggered by the change of status of another device (Murphy, column 15 lines 20-47, downloading).

16. With regards to claim 18/1, Murphy as modified teaches the encoding being performed by overlaying a pattern of pixels of a particular color or grey scale value (Murphy, column 11 lines 36-58, authentication pattern).

17. With regards to claim 19/1, Murphy teaches encoding being performed using steganography (Murphy, column 11 lines 22-35, position information into areas unlikely to interfere with visual perception).

18. Claims 6/1, 10-11/1, 25-27, and 32-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al US Patent No. 5,799,082, Barton US Patent No. 5,646,977, Safai US Patent No. 6,642,956, and Gage US Patent No. 5,349,550, as applied to claims 1, 21, and 28 above, and further in view of Prokoski US Patent No. 5,583,950.

19. With regards to claims 6/1 and 10-11/1, 25, and 32, Murphy as modified fails to teach the decoder using flash correlation to select pixel locations of the encoded data array to test for authenticity. Prokoski teaches using flash correlation to select pixel locations of the encoded data array to test for authenticity (Prokoski, column 11 lines 4-19). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Prokoski's method of flash correlation with Murphy as modified because it offers the advantage of providing a robust method to compare of



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images that accommodates changes in size, warping of the picture, segmentation, visual noise, and local changes (Prokoski, column 1 lines 16-26).

20. With regards to claims 26-27 and 33-34, Murphy as modified teaches the digital image being a sequence of digital images, there being a unique set of authenticating information for each digital image in the sequence and a corresponding unique data array, there being a unique composite array corresponding to each digital image in the sequence of composite arrays, the target composite array is a sequence of target composite arrays, and wherein flash correlation determines whether the sequence of target composite arrays is an authentic copy of the sequence of composite arrays (Murphy, column 14 line 38 – column 15 line 5, Prokoski, column 11 lines 4-19).

21. Claim 3/20/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al US Patent No. 5,799,082, Barton US Patent No. 5,646,977, Safai US Patent No. 6,642,956, and Gage US Patent No. 5,349,550, as applied to claim 1 above, and further in view of Steinberg et al US Patent No. 5,862,217.

22. With regards to claim 3/20/1, Murphy as modified fails to teach the encryption and decryption step being repeated more than one time. Steinberg teaches the encryption and decryption step being repeated more than one time (Steinberg, column 5 lines 5-20). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Steinberg's method of repeated encryption with Murphy as modified because it offers the advantage of securing images as part of the

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image acquisition process thus ensuring that an image is never stored in an unencrypted format (Steinberg, column 2 lines 19-23).

23. Claim 7/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al US Patent No. 5,799,082, Barton US Patent No. 5,646,977, Safai US Patent No. 6,642,956, and Gage US Patent No. 5,349,550, as applied to claim 1 above, and further in view of Rhoads US Patent No. 5,841,886.

24. With regards to claim 7/1, Murphy as modified fails to teach the Sensor ID including a biometric identifier of the user of the camera. Rhoads teaches teach the Sensor ID including a biometric identifier of the user of the camera (Rhoads, column 7 line 65 column 8 line 5). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Rhoads' method of embedding biometric data in images with Murphy as modified because it offers the advantage of providing the ability to compare biometric information in high security authentication procedures (Rhoads, column 8 lines 1-5).

25. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al US Patent No. 5,799,082, Barton US Patent No. 5,646,977, Safai US Patent No. 6,642,956, and Gage US Patent No. 5,349,550, as applied to claim 1 above, and further in view of Goldberg US Patent No. 6,526,158.

26. With regards to claims 15-17/1, Murphy as modified fails to teach the triggering device being a face recognition system, speed sensor, or alarm condition sensor.

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Goldberg teaches the triggering device being a face recognition system, speed sensor, or alarm condition sensor (Goldberg, column 12 line 63 – column 13 line 5, column 23 lines 39-62). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Goldberg's triggering mechanisms with Murphy as modified because it offers the advantage of ensuring that the desired camera target is in the field of view for image acquisition (Goldberg, column 12 line 63 – column 13 line 5).

### ***Allowable Subject Matter***

27. Claims 2, 4-9/2, 12-14/2, 18-20/2, and 3/20/2 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

28. The following is a statement of reasons for the indication of allowable subject matter: The cited prior art fails to specifically teach an original array size being increased by a factor and subpixels being used for the steps of embedding, encrypting, decrypting, and restoring and thus fails to anticipate or render the claim obvious.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

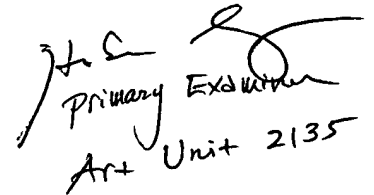
29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalyen



Primary Examiner  
Art Unit 2135